

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE MAY 14, 2001

AMENDED IN SENATE MAY 2, 2001

AMENDED IN SENATE APRIL 24, 2001

**SENATE BILL**

**No. 396**

**Introduced by Senator Kuehl**

February 21, 2001

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An act to add Section 2873.4 to the Business and Professions Code, and to add Section 5002.5 to, and to repeal Section 5007.5 of, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 396, as amended, Kuehl. Corrections: medical services.

Existing law provides for the licensing and regulation of various occupations and professions, each administered by a board, as defined, including the Board of Registered Nursing and the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

The bill would establish guidelines for the decisionmaking authority of Medical Technical Assistants *who are Licensed Vocational Nurses* and Senior Medical Technical Assistants *who are Licensed Vocational Nurses* with respect to the care and treatment of inmates.

Under existing law, the Department of Corrections is vested with powers and duties necessary for operating the California prison system.

This bill would require the department to ensure by January 1, 2005, that all of its medical facilities are accredited by a health care organization specializing in accrediting health care facilities in

correctional settings. The bill would require the department to provide the Legislature with an annual report, as specified.

Existing law authorizes the Director of Corrections to charge a \$5 fee for each inmate-initiated medical visit of an inmate, and requires that the moneys received be expended to reimburse the department for direct provision of inmate health care services.

This bill would repeal this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2873.4 is added to the Business and  
2 Professions Code, to read:

3 2873.4. Medical Technical Assistants *who are Licensed*  
4 *Vocational Nurses* and Senior Medical Technical Assistants *who*  
5 *are Licensed Vocational Nurses* shall not make any decision  
6 concerning access to care and the kind of care or treatment an  
7 inmate should receive. Neither shall a Medical Technical Assistant  
8 *who is a Licensed Vocational Nurse* nor a Senior Medical  
9 Technical Assistant *who is a Licensed Vocational Nurse* make any  
10 decision as to whether an inmate should be examined by a  
11 clinician, ~~unless that decision is necessary to provide emergency~~  
12 ~~care and is within the scope of the nurse's license.~~ Medical  
13 Technical Assistants *who are Licensed Vocational Nurses* and  
14 Senior Medical Technical Assistants *who are Licensed Vocational*  
15 *Nurses* may collect subjective and objective patient data and  
16 convey that information to either a registered nurse or ~~medical~~  
17 ~~staff member of a higher professional status than a registered~~  
18 ~~nurse, including~~ a physician who may then make appropriate  
19 treatment decisions based on that information.

20 SEC. 2. Section 5002.5 is added to the Penal Code, to read:

21 5002.5. Not later than January 1, 2005, the Department of  
22 Corrections shall ensure that all of its medical facilities are  
23 accredited by a health care organization specializing in accrediting  
24 health care facilities in correctional settings. The department shall  
25 provide the Legislature with an annual report on its progress in  
26 obtaining this accreditation.

1     SEC. 3.    Section 5007.5 of the Penal Code is repealed.

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